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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 ALTON SINGLETON,

No. C-11-5556 TEH (PR)

12 Plaintiff,

ORDER OF DISMISSAL

13 v.

14 D. PEKAREK, et al.,

15 Defendants.  
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18 On November 18, 2011, Plaintiff, a state prisoner  
19 incarcerated at California State Prison - Sacramento in Represa,  
20 California, filed this pro se civil rights complaint under 42 U.S.C.  
21 § 1983. The Court conducted an initial screening of the complaint  
22 pursuant to 28 U.S.C. § 1915A(a). Plaintiff asserted that while he  
23 was housed at San Quentin State Prison ("SQSP"), SQSP prison  
24 officials violated his constitutional rights. In its Order dated  
25 April 17, 2012, the Court found that Plaintiff's complaint failed to  
26 identify which defendants proximately caused him to suffer a 90-day  
27 assessment, failed to set forth specific facts as to how each  
28 individual defendant proximately caused the deprivation of a

1 federally-protected right, and improperly joined unrelated claims  
2 against unrelated defendants. See Doc. #13 at 5. The Court  
3 therefore dismissed the complaint with leave to amend to cure these  
4 pleading deficiencies. The Court granted Plaintiff thirty days to  
5 cure the pleading deficiencies, or to suffer dismissal of the  
6 action. The Court instructed Plaintiff that his amended complaint  
7 must "state clearly and succinctly how each and every Defendant is  
8 alleged to have violated Plaintiff's federally protected rights" and  
9 informed him that the amended complaint would supersede the original  
10 complaint. Id. at 6.


11 On May 15, 2012, Plaintiff filed a document titled "Court  
12 Ordered First Amended Complaint," and stated, "I just want to keep  
13 my complaint on Officer D. Pekarek for excessive force and drop all  
14 other claims until further notice." See Doc. #14. He also informed  
15 the Court that he was on lockdown and did not have the ability to  
16 stay in contact with the Court. Id. Plaintiff requested an  
17 extension of time to obtain help in researching his case. Id.  
18 Plaintiff's proposed first amended complaint fails to state how D.  
19 Pekarek violated Plaintiff's federally-protected rights. In its  
20 Order dated May 23, 2012, the Court informed Plaintiff that his  
21 proposed first amended complaint was deficient because it failed to  
22 state how D. Pekarek violated Plaintiff's federally-protected  
23 rights. See Doc. #16. The Court instructed him how to correct the  
24 deficiency and sua sponte granted Plaintiff an extension of time to  
25 June 18, 2012, to file another proposed first amended complaint.  
26 Id. at 2.

1           The deadline has passed and Plaintiff has not filed a  
2 first amended complaint. Accordingly, this action is DISMISSED  
3 WITHOUT PREJUDICE. See Fed. R. Civ. P. 41(b).

4           The Clerk shall terminate any pending motions as moot and  
5 close the file.

6           IT IS SO ORDERED.

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8 DATED       07/17/2012

  
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THELTON E. HENDERSON  
United States District Judge

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